

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

)	Case No. 16-05804-5-SWH
)	Chapter 13
)	
)	
IN RE JOYCE M. LONEY,)	MOTION TO EXPEDITE
)	
Debtor.)	
)	
)	
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)	

MOTION TO EXPEDITE BY USAA FEDERAL SAVINGS BANK

USAA Federal Savings Bank (“USAA FSB”), by and through counsel, hereby moves the Court pursuant to Local Rule 9014-2 for an expedited hearing on the contemporaneously filed Motion to Dismiss, to Lift Automatic Stay, and for Relief (“Motion to Dismiss”).

As explained in further detail in the Motion to Dismiss, Joyce Loney’s bankruptcy petition is an abuse of the bankruptcy process and was intended only to delay recovery by USAA FSB of two automobiles despite a direct order from the United States District Court of the Middle District of North Carolina requiring her to give possession of these vehicles to USAA FSB. *See* Judgment, Loney v. USAA Federal Savings Bank, No. 1:15-CV-292, [D.E. 45] (M.D.N.C. July 13, 2016). Loney’s abuse of the litigation process is detailed in filings in the Middle District case, including a gatekeeper order issued by the Middle

District prohibiting her from filing further claims against USAA FSB in federal court. Order and Prefiling Injunction, Loney v. USAA Federal Savings Bank, No. 1:15-CV-292, [D.E. 43] (M.D.N.C. July 13, 2016). Loney's fraud and abuse of the litigation process resulted in an arbitration award in favor of USAA FSB, confirmed by the Middle District's Judgment, for nondischargeable fraud-related damages of approximately \$81,000, in addition to other damages and the order to give the vehicles to USAA FSB. Mrs. Loney also has been barred from filing claims against USAA FSB in North Carolina state courts.

An expedited hearing is necessary to prevent continued abuse of the bankruptcy process and waste of judicial resources, and to minimize the harm to USAA FSB resulting from such abuse.

USAA FSB seeks a hearing on the Motion to Dismiss the week of December 12, or as soon as is convenient to the Court.

WHEREFORE, USAA FSB respectfully asks the Court:

- (1) To grant hearing of USAA FSB's Motion to Dismiss at the Court's earliest convenience; and
- (2) Such further relief as the Court deems just and appropriate.

Respectfully submitted this 7th day of December, 2016.

/s/ Matthew B. Tynan
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he filed the foregoing document electronically with the Clerk of Court using the CM/ECF system. The undersigned further certifies that copies of the foregoing documents were served on *pro se* Debtor Joyce Loney via FedEx overnight service, addressed as follows:

Joyce Loney
4956 Long Beach Rd, SE
STE 14, PMB 362
Southport, NC 28461

The document was also served by e-mail to jloney2012@gmail.com.

The undersigned further certifies that bankruptcy trustee Joseph A. Bledsoe, III, was served electronically via the CM/ECF system.

This the 7th day of December, 2016.

/s/ Matthew B. Tynan
Matthew B. Tynan